

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

JANUARY 21, 2008

Roll Call

President Patrick A. Hale called to order the regular meeting of the Tipp City Council at 7:02 p.m. Roll call showed the following Council Members present: William D. Beagle, Vickie K. Blakey, John E. Kessler, Patrick A. Hale, Mayor Tim E. Evans, George H. Lovett, and Dee Gillis.

Executive Session

President Hale moved to amend the agenda to move into Executive Session to discuss pending or imminent litigation to include the Acting City Manager and the Law Director, seconded by Mr. Beagle. The motion carried. City Council adjourned to Executive Session. The meeting reconvened at 7:30 p.m.

In attendance: Acting City Manager Bradley C. Vath, Law Director Joseph P. Moore, Fire Chief Steve Kessler, City Engineer/Service Director Scott P. Vagedes, EMS Chief Mark Senseman, Police Chief Tom Davidson, *Dayton Daily News* reporter Nancy Bowman, *Tipp Herald* reporter Mike Kelly, *Independent Voice* reporter Matt Clevenger, and Clerk of Council Misty Cheshire.

Citizens signing the register included: Katie Black, Steven Chaney, John Berbach, Ann Nishwitz, Peter Jackson, Reverend John Hughes, Marie Hughes, Matt Black, Pam Black, Melissa Fowle, and Martin English.

Invocation and Pledge of Allegiance

Pastor John Hughes from Skyview Wesleyan Church delivered the invocation. President Hale led the Pledge of Allegiance.

Approval of Agenda

Mr. Beagle moved to approve the agenda as amended, seconded by Mr. Lovett. The motion unanimously carried.

Adoption of Minutes

Mr. Lovett moved, seconded by Mrs. Gillis, to adopt the minutes of the January 7, 2008, City Council Meeting. The motion carried 7-0.

Mrs. Gillis moved, seconded by President Hale, to adopt the minutes of the January 7, 2008, Post Meeting Study Session. The motion carried.

**Ordinances
(Second Reading &
Public Hearing)**

Ordinance 01-08
East Broadway
Avenue Permanent
Easement

The following ordinance was presented to City Council for second reading and public hearing.

Ordinance 01-08: An ordinance authorizing the City Manager to execute the necessary documents to grant a perpetual easement with the right of reverter on certain public property located adjacent to 211 S. First St. and declaring an emergency for the reasons set forth herein.

Clerk of Council Summary: This ordinance will grant a 2 ½ foot by 100 foot easement to the current and future property owners of 211 South First Street. The building was constructed with the northern wall within the East Broadway Avenue right-of-way.

**Resolutions
(One Reading
Required)**
Resolution 02-08
Gateway Center
Development
Agreement

Acting City Manager Report: Mr. Vath noted that the property owner hired a surveyor to replat several of the existing inlots. During the replatting process an encroachment into the East Broadway Avenue right-of-way was discovered. The City has been working with the owner and the potential purchaser on an acceptable solution. Mr. Vath noted that this ordinance would grant a perpetual easement with right of reverter for the encroachment for a purchase price of 1% of the property sale value. He noted that the ordinance was drafted as an emergency ordinance and would become effective upon passage.

Mr. Evans stated that all parties involved with this easement were very cooperative. The new tenant plans to transform this vacant building into a new business in the community. He wished them luck in their endeavor.

Mr. Kessler asked if this encroachment occurred when Broadway was rebuilt. Mr. Vath stated that the City didn't acquire right-of-way during the Broadway project. He stated that the City could find no easement of record for this property.

There being no further discussion, Mayor Evans sponsored this ordinance and moved for its adoption, seconded by Mr. Beagle. The motion carried with a vote of 7-0. Ordinance 01-08 was declared passed and President Hale affixed his signature in witness thereto.

The following resolution was presented to City Council for adoption.

Resolution 02-08: A resolution authorizing the City Manager to sign and execute an agreement with the Gateway Center Development LLC (GCD) for the roadway infrastructure improvements being the northerly and southerly extensions of Kinna Drive in the Northgate Commerce Center Industrial Park.

Clerk of Council Summary: This resolution specifies the terms and conditions between the City and GCD as they relate to the Kinna Drive construction project and the Industrial Site Improvement Fund (ISIF) grant.

Acting City Manager Report: At the January 7th Study Session City Council discussed a potential agreement between the City and the property owners of the Northgate Commerce Center Industrial Park (GCD). The City working with Miami County, GCD, and Transfreight LLC was able to obtain a \$500,000 grant from the Ohio Department of Development through the Industrial Site Infrastructure Fund (ISIF). Mr. Vath noted that GCD would be contributing \$281,000 in cash and/or right-of-way, and the City would contribute \$279,000 to match the \$500,000 grant.

There being no further discussion, Mr. Lovett sponsored this resolution and moved for its adoption, seconded by Mayor Evans. The motion carried with a vote of 7-0. Resolution 02-08 was declared passed and President Hale affixed his signature in witness thereto.

Resolution 03-08
Kinna Drive
Engineering
Agreement

Resolution 03-08: A resolution authorizing the City Manager to enter into an agreement with Norfleet, Brown, & Petkewicz Inc., of Miamisburg, Ohio, for surveying and engineering design services for the Kinna Drive extensions in Northgate Commerce Center in the amount of \$25,880.

Clerk of Council Summary: This resolution awards the engineering design services for the ISIF grant construction project to extend Kinna Drive northerly +/-800 feet and southerly +/-700 feet in the Northgate Commerce Center Industrial Park.

Acting City Manager Report: Mr. Vath stated that an agreement for engineering design services was needed to facilitate the design, bidding, and eventual construction of the northern and southern extensions of Kinna Drive in the Northgate Commerce Center Industrial Park. This design work is part of the ISIF project and GCD Agreement mentioned in the previous resolution. Norfleet, Brown, & Petkewicz provided the best proposal for the design work as solicited and evaluated by the City Engineer.

There being no further discussion, Mr. Beagle sponsored this resolution and moved for its adoption, seconded by Mr. Lovett. The motion carried with a vote of 7-0. Resolution 03-08 was declared passed and President Hale affixed his signature in witness thereto.

Resolution 04-08
N. Hyatt Street Curb &
Gutter

Resolution 04-08: A resolution of necessity for improvements on N. Hyatt Street from Park Avenue north to 1,000 feet south of Kessler-Cowlesville Road by widening, reconstructing, and/or repaving the street and replacing the curb and gutter, sidewalk, and driveway approaches where necessary within the City corporation limits.

Clerk of Council Summary: This resolution is required by law to notify the property owners of the upcoming North Hyatt Street project and the requirement to replace and/or install curb and gutter, sidewalk and driveway approaches as part of the project.

Acting City Manager Report: The City in conjunction with the Miami County Engineer's Office has received a \$400,000 Ohio Public Works Commission (OPWC) grant to help reconstruct North Hyatt Street. As part of the reconstruction curb and gutter, sidewalks, and driveway aprons will need to be install and/or replaced within the corporate limits. Mr. Vath noted that this resolution declares the City's intent to require the property owners to make these improvements. If the property owner does not make the improvements the City will complete the improvements, bill the property owner, and assess for the costs.

Mayor Evans stated that Alternate Two the potential assessments are only on the west side of Hyatt Street. Mr. Vagedes stated that the curbs and sidewalks on the east side of Hyatt Street were evaluated and found to be in good condition.

Mr. Vath noted that in addition to the base bid there were two add alternates. Alternate One would include the construction of sidewalks from Manchester Chase Drive north to the High School. Alternate Two would recondition the roadway and add an asphalt

overlay on Hyatt Street beginning at the north side of Wind Ridge Apartments southerly to Park Avenue and N. Westedge Drive.

Mr. Beagle asked if it was possible to proceed with Alternate Two if Alternate One was not complete. Mr. Vath responded that Alternate Two could proceed even if Alternate One didn't occur.

There being no further discussion, President Hale sponsored this resolution and moved for its adoption, seconded by Mr. Beagle. The motion carried with a vote of 7-0. Resolution 04-08 was declared passed and President Hale affixed his signature in witness thereto.

**Ordinances
(First Reading)
Chapter 37
Amendment**

The following ordinances were presented to City Council for first reading. The second reading and public hearing will be held on February 4, 2008

Mr. Kessler sponsored an ordinance amending Chapter 37 Appendix Exhibit "A" and "B" of the codified ordinance of the City of Tipp City concerning benefit schedules for all City employees not covered by collective bargaining agreements.

Clerk of Council Summary: This ordinance will provide for a 3.5% cost of living adjustment for Chapter 37 employees, which is identical to the 2008 adjustments provided for the FOP and ASFSME bargaining unit employees.

Acting City Manager Report: Mr. Vath noted that this ordinance would implement a 3.5% wage adjustment for Chapter 37 employees (managerial non-bargaining unit employees) for the period of February 3, 2008 to February 7, 2009. The current 3-year wage ordinance 09-05 will expire on February 2, 2008. The existing labor agreements with AFSCME (Resolution 47-06) and the FOP (Resolution 28-06) both reflect a 3.5% wage adjustments for 2008. The remaining two years (2009 & 2010) will be brought back to City Council after the permanent City Manager has been selected as part of an overall review of the Chapter 37 provisions.

Mayor Evans moved to grant attendance awards to 19 employees for using 8 hours or less of sick leave in 2007, seconded by Mr. Lovett. The motion carried 6-0. Mr. Kessler abstained from the vote.

**Motions
Attendance Awards**

Employees with zero sick leave usage were to be awarded \$100 and employees with between 1 and 8 hours of sick leave will receive a \$50 award. Mr. Vath stated that this is the highest number of employees our payroll department can remember ever getting this incentive. This year's recipients are:

<u>EMPLOYEE</u>	<u>DEPARTMENT</u>	<u>SICK LEAVE USED</u>
Doug Arnold	Com. & E.D.	0 Hours
Jane Monnin	Finance	0 Hours
John Montgomery	Electric	0 Hours
Roy Morgan	Electric	0 Hours
Jeff Perilman	Police	0 Hours
Kevin Price	Water	0 Hours
Scott Sheppeard	Water	0 Hours

<u>EMPLOYEE</u>	<u>DEPARTMENT</u>	<u>SICK LEAVE USED</u>
Todd Stocker	Water	0 Hours
Scott Vagedes	Engineering	0 Hours
George Wells	Electric	0 Hours
Don Zerkel	Electric	0 Hours
Brad Vath	Com. & ED	3 Hours
Marilyn Fennell	Com. & ED	3.5 Hours
John Skolnicki	Tax/Finance	4 Hours
James Asher	Parks	4.5 Hours
Peter Batting	Water	5.5 Hours
Gary Garvey	Electric	8 Hours
Lisa Hendricks	Water	8 Hours
Mark Senseman	EMS	8 Hours

Miscellaneous
BZA Appeal
Jackson 13-07

The next item on the agenda was an appeal of a Board of Zoning Appeals decision regarding Case 13-07, 60 Kiser Drive. The applicant, Peter Jackson had requested a 6' variance for a residential access driveway side yard setback requirement. This request was denied by the BZA.

President Hale opened the public hearing. Mr. Moore swore in those wishing to testify during the public hearing.

Mr. Vath noted that City Council planned to hold a public hearing for this appeal on December 17, 2007. At that time, Mr. Jackson requested additional time to have a survey completed. A survey was provided to the City on January 14, 2008, and was not part of the facts and application materials presented to the BZA to determine the merits of this case. Mr. Vath noted that Council may choose, by motion, to remand this issue back to the BZA to consider this new information.

Mayor Lovett moved to close the public hearing, seconded by Mrs. Blakey. The motion carried. Mrs. Blakey moved to remand this case back to the Board of Zoning Appeals to allow them to review the new information, seconded by Mr. Beagle. The motion unanimously carried.

Citizen Comments

Katie Black, 241 Elas Court, expressed concerns about the proposed Field Use Policy. She questioned the proposed residency requirements and usage fees. She asked who would receive the usage fees. Mayor Lovett noted that City Council has not had the opportunity to review the proposed Field Use Policy; it is still being reviewed by the Park Advisory Board. Mrs. Blakey noted that the policy had not been approved yet.

Mr. Beagle stated that the policy is intended to target select teams and out of town teams/leagues. Mr. Vath stated that usage fees would be deposited into the Park Fund and used to maintain and operate the parks. Once the Park Advisory Board makes a final recommendation to City Council, a Study Session will be scheduled to discuss the recommended policy.

Mr. Vagedes suggested Ms. Black contact Kathy Taylor at Tipp Monroe Community Services to discuss the policy further. He noted that the next Park Advisory Board meeting will be held on March 10th.

**Council Member
Comments**

Mrs. Gillis asked everyone to remember Dr. Martin Luther King, Jr. today and keep in mind what he did for our country.

Mr. Lovett stated that today was Martin Luther King, Jr. Day, which is a holiday designed to give honor to his memory. He stated that Tipp City was not observing this holiday due to a conflict with a Council Member schedule. He stated that it was appropriate to hold the meeting on an evening when all elected Council Members could participate. Mr. Lovett stated that hopefully that conflict will no longer be in place next year. He stated that he supported Tipp City observing Dr. Martin Luther King, Jr. Day and hoped that next year at this time, the City will send a loud and clear message to the few minorities in the City, that we support them and recognize Dr. King's achievements, and we welcome more minorities in this town. He stated there was no better way to do this other than by embracing this holiday and giving Dr. King's memory the appropriate level of deference.

President Hale welcomed Cathy Ross back to work. He noted that City Council would be holding a study session after the meeting to discuss the Ginghamburg Main Campus Annexation and Service Agreement, Expansion of Community Reinvestment Area 4, the Charter Review Commission, and the Position Profile for the City Manager search.

**Acting City Manager
Comments**

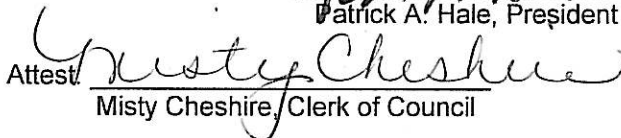
Mr. Vath noted that the City Council packets included a copy of the EMS and Economic Development Department's Annual Reports.

Adjournment

There being no further business, it was moved by Mayor Evans, seconded by Mr. Lovett, that the meeting be adjourned. The motion unanimously carried. President Hale declared the meeting adjourned at 8:12 p.m.



Patrick A. Hale, President of Council



Attest

Misty Cheshire, Clerk of Council

TIPP CITY COUNCIL STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

JANUARY 21, 2008

Study Session

Acting City Manager Bradley C. Vath opened the Study Session at 8:20 p.m. on this date.

Roll Call

Council Members in attendance included: William D. Beagle, Vickie K. Blakey, Mayor Tim Evans, George H. Lovett, President Patrick A. Hale, John Kessler, and Dolores Gillis.

Others in attendance included: Fire Chief Steve Kessler, Law Director Joseph P. Moore, Dr. Martin English, *Tipp Herald* reporter Mike Kelly, *Dayton Daily News* reporter Nancy Bowman, and Clerk of Council Misty Cheshire.

Discussion –
Ginghamsburg Main
Campus Annexation &
Service Agreement

Mr. Vath used the attached PowerPoint presentation to outline Ginghamsburg United Methodist's (GUM) church need for potable water. GUM is expressed the desire to enter into an annexation and service agreement with the City. In addition, they are also willing to enter into a construction agreement for a waterline.

Mr. Beagle asked if the City could request the waterline loop to Shoop Road. Mr. Vath stated that was possible and would serve future extensions.

Ms. Blakey asked if Monroe Township had expressed any concerns over this annexation. Dr. English stated that the Township didn't have any concerns at this time.

Chief Kessler stated that he would like to sit down with staff and discuss looping the waterline. He stated that a "T" would reduce water pressure and may not provide enough water pressure to extinguish a fire at the Church's Main Campus.

Mr. Kessler asked if this tap would affect Vandalia's water supply. Mr. Vath anticipated that Vandalia's water supply would not be affected by this tap. He noted that NAWA and LJB were currently reviewing this tap and believes that this tap will not affect Vandalia's water supply.

Mr. Kessler asked if GUM planned to abandon their wells. Mr. Vath stated that the wells would be abandoned to EPA standards.

Expansion of
Community
Reinvestment Area #4

At the December 6, 2007, Economic Development Meeting, the Committee discussed the expansion of CRA#4. It was suggested the Meijer Distribution Center CRA #4 be expanded to the north and south. He noted that a Pre-1994 CRA can be expanded twice without changing the elements of the CRA and this would be the first expansion for this CRA. By extending CRA #4 the City would have the ability to offer incentives to the Leshar South, ADCO, Zion Lutheran Church, Tipp Animal Hospital, Captor, and Norson properties if they want to develop property or expand their existing facilities. Mr. Vath then explained the process required to expand a CRA.

The Tipp City Economic Development Committee recommend the expansion of CRA #4 (Meijer Distribution Center) to include the following parcels: Leshar South, Leshar North, ADCO, Zion Lutheran Church, Tipp Animal Hospital, Captor Corporation, Norson Corporation, Troy Ford, and the 5 acre parcel on Kerr Road owned by the Thompson's, as outlined in the attached PowerPoint presentation.

Mrs. Blakey asked if Norson had room to expand. Mr. Vath said that Norson could expand if they were granted variances. He stated that Captor has plenty of room to expand if desired.

Mr. Beagle asked if the expansion would skip the Veterinarian Hospital. Mr. Vath stated that they have not shown interest in annexing.

Council supported the expansion of CRA#4. Mr. Lovett noted that he would need to abstain due to a conflict of interest.

Charter Review Commission

Mayor Evans stated that he served on the Charter Review Commission in 2000. According to the City Charter, Section 11.05, City Council must appoint a Charter Review Commission consisting of no less than five electors of the City. Members of the Charter Review Commission may not at the time of their appointment to the Commission nor within a period of six months prior, be or have been an elected or appointed official of the City or an employee of the City.

In 2000, each Council Member appointed one person to the Charter Review Commission. After a brief discussion Council agreed to do the same. Each Council Member was asked to submit their delegate's name at the next City Council meeting. Appointments would be made at the February 19th City Council meeting.

Mr. Collinsworth had suggested the Commission review term limits for the Mayor and Council President. He also stated that some City's require one Council Member to sit on the Planning Board and suggested the Commission take this into consideration.

In 2000, many of the changes to the Charter were grammatical and gender related. In addition the Commission reviewed the possibility of reimbursing Council Member recall expenses if they are successful in the recall.

City Council agreed that after the seven members are appointed to the Commission will appoint a Chairman. Council also required that minutes be taken for each Commission meeting. Mr. Vath noted that he ordered Charter Commission guidebooks from the National League of Cities to help the Commission.

Manager's Search – Position Profile

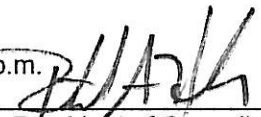
Mr. Vath excused himself from the meeting. Mr. Lovett distributed copies of the City Manager Profile prepared by the Mercer Group. He noted that the document was 30 pages long, twice the size of a typical profile. Mr. Robertson stated that Tipp City had a great story to tell and he didn't want to leave anything out for the candidates. Mr. Lovett stated that the beginning on page 24 the City Manager position was outlined, he asked Council Members to review this section. If any changes need to be made, all changes must be given to Mr. Lovett or Mr. Beagle by Friday, January 26th.

Mr. Lovett noted that he spoke to Mr. Robertson about the City's population size. According to the 2000 census, Tipp City's population was 9,200. However the City estimates that the City's population has grown to nearly 10,100. Mr. Robertson stated that it would be better to list the higher number.

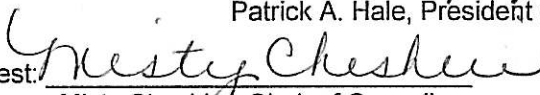
Mr. Lovett stated that the advertisement would reference this profile and candidates would be able to access the information from the City's website.

Adjournment

The study session concluded at 9:11 p.m.


Patrick A. Hale, President of Council

Attest:


Misty Cheshire, Clerk of Council

Ginghamsburg UMC (GUM) Main Campus Annexation & Service Agreement, and CRA #4 Expansion

1.21.2008 Study Session

1

History

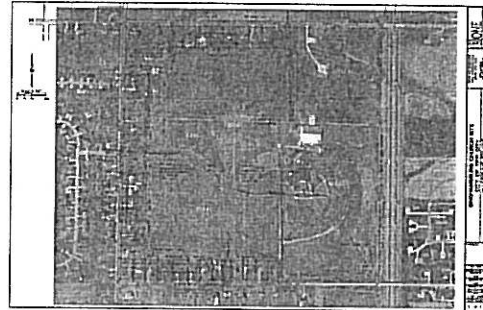
- GUM main campus has been serviced by Tipp City sanitary sewer service via Miami County since 1994.
- Ginghamsburg "South" campus executed Annexation/Service Agreement in 8.2005.
- City approached by GUM about main campus in 2006, with sporadic ongoing discussions since then.
- Meeting with Monroe Township Trustees, GUM, & City officials held on 12.14.2007.

2

History (Con.)

- GUM still working on annexation, but immediate need for potable water supply.
 - Water supply from private wells failing (6,000 GPD needed by GUM)
- GUM desires to execute:
 - Annexation & Service Agreement, and
 - Construction Agreement for water main
- PILOT payment from GUM for +/- 89 full & 50+ part-time employees and 10 employees for Dream Builders Group, Inc.

3



4

GUM Next Steps

- 2.4.2008 Council Meeting motion to approve the Annexation & Service Agreement and the Construction Agreement for the waterline.
- GUM will continue to work towards annexation of the Main Campus properties.

5

Community Reinvestment Area (CRA) Types

- | Pre-1994 CRA's | Post-1994 CRA's |
|---|---|
| ■ REAL property tax | ■ REAL property tax |
| ■ Term of incentive based on enabling Resolution. | ■ Term of incentive negotiated on a case-by-case basis in advance with written agreement. |
| ■ Only 2 expansions of CRA allowed, 3 rd expansion rolls CRA over to Post-1994 status. | ■ Incentives tied to job creation. |
| ■ Automatic approval with simple application to CRA Housing Officer. | ■ CRA #5 - Downtown |
| ■ CRA #'s 1, 2, 3, & 4 | |

6

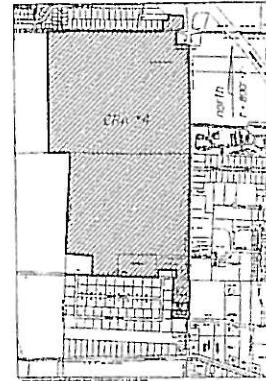
CRA #4 – Meijer Distribution Ctr.

- Created by Resolution 12-92 on 2.3.1992
- NO expansions of existing CRA #4
- Several incentives provided to Meijers for their initial construction and subsequent expansions over the years.
- Terms are 100% for 15 years
- Two properties:
 - Meijers Distribution Center
 - One residential house on K/C Road

7

Option A

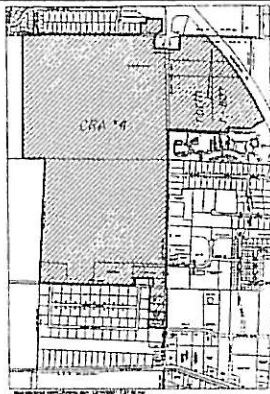
- Meijer
- Leshar S
- Zion Church
- Mathis
- Captor
- Norson
- ADCO



8

Option B

- Meijer
- Leshar S.
- Zion
- Mathis
- Captor
- Norson
- ADCO
- Troy Ford
- Leshar N.
- Thompson



9

Tipp City Economic Development Committee

- ED Committee met on 12.6.2007
- Recommended expansion of CRA #4
 - Reviewed to options for expansion
 - Option A
 - Option B
- Supported 15-year incentive period
- Maintain current provisions of CRA #4, but expand the area.

10

CRA #4 Amendment Process

- Resolution amending Resolution 12-92 to expand the CRA
 - Area: Option A or Option B
 - All other provisions remain the same
- Copy of adopted resolution provided to MC Auditor, ODO, & Tipp Schools.
- Resolution to be published by Clerk of Council for 2-weeks in Tipp Herald.

11

CRA #4 Amendment Next Steps

- Resolution on 2.4.2008 Council agenda to amend Resolution 12-92 to expand the area of CRA #4.
- Notice and publication requirements.
- Questions?

12

